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The art of war

Good things come to those who wait; keep your head down and be prepared for NICE.

The wise wait for their moment. They are not drawn into battle too early or too late. They act when action is required.

In 500 BC, Sun Tzu dispensed the following advice in the world's oldest handbook on military strategy, *The Art of War*: "He will win who, prepared himself, waits to take the enemy unprepared."

In other words, don't let your adversaries trick you into conflict; inaction can sometimes wins the world.

Timing is an essential element of any strategy. When he lost his agility, his youth, his speed, Muhammad Ali became the 'rope-a-dope'. During his fights, he would hang on to the edge of the ring waiting for his opponents to tire. Then, when his time came, he would unleash his preserved power on his weary, weakened foe.

For that world champion, Sun Tzu's ancient wisdom won bouts.

NICE birth

NICE has clearly learnt something about the art of war. In the two years since it first came into existence, the body has rolled with the punches delivered by its opponents.

Despite some early bruising, this NHS special authority decided to hold fire whilst covertly developing its ability to fight back.

In building its defences, new appraisal guidance was constructed, internal reshuffles ordered, and some hasty, initial decisions overturned.

Originally, NICE was more concerned with avoiding lethal combat than getting it right. It sided with any party willing to agree with its aims, as a means of gaining allies in its new, hostile world. It made do with existing suppliers of appraisal services, regardless of their abilities or the quality of their work.

However, the authority will soon discover that bought support is not stable and is only secured at a cost.

Forced order

Wars are fought under exceptional circumstances.

For stability to be secured, rulers must exert peacetime control over their allies, who often foster personal ambitions potentially damaging to the state.

After two hundred and forty years of conflict, the Qin Dynasty united China for the first time in 221 BC.

Upon unification, the first emperor, Qin Shi Huang, forced 120,000 dispossessed feudal lords to move to his capital, Xian.

Once they were secured there, his eminence ordered a network of covered roads, which connected his residence to their personal palaces.

This structure allowed him to move secretly amongst these suppressed rulers and to directly exert his personal control.

NICE was not the first body in the UK to assess new health technologies. Throughout the land, many organisations and groups, both public and private, were interested in appraising the suitability of innovative interventions for use within the NHS.

Once it was given the job of formally assessing questionable products, NICE brought these diverse entities together under its umbrella.

By doing so, it was able to secure greater control over their activities and to influence the work that they undertook.

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The individual ruler

When NICE was first launched, its chairman, Professor Sir Michael Rawlins, led his troops from the front.

Sir Michael travelled the country, engaging in conflicts over the authority's aims, methods and ability to deliver as he went. To many observers, he seemed undaunted by battle.

Despite many a bloody nose, a triumph for Sir Michael was a victory for NICE.

Even though it was led by a brave warrior, NICE soon realise that its long-term survival depended not on war but on peace. Therefore, efforts were made to find an agreeable solution to the battle that was raging over the role the authority should play.

Through negotiations with the ABPI, pharmaceutical manufacturers and other interested parties, an uneasy truce was eventually agreed.

Once open war with manufacturers ceased, Sir Michael seems to have taken Qin Shi Huang's lead. To secure peace-time domination, steps were taken to exert greater influence over those under his umbrella.

Committees were established, contracts signed and pacts made that secured funding for appraisers and stability for NICE.

In other words, the authority became more secure by enhancing its power over its allies.

As the trend of increasing dominance continues, NICE may attempt to secure greater and greater control.

In consequence, a witch-hunt may begin which will investigate the potential conflicts of interests that exist amongst appraisers who currently work for technology producers and the State.

With the possibilities life as a double agent offer, NICE will not be safe until its banishes from its ranks the suppliers that work for both sides.

Guidance

A unified Chinese state did not appear out of an ideological vacuum.

The idea for China's unification came from the laws of government outlined during the third century BC by Shang Yang, adviser to Duke Xiao of Qin.

In the so-called Book of Shang, in which he wrote all of his ideas, Shang Yang stated that rule by national government was preferable to dominance by local, powerful families.

According to the Book of Shang, tighter central governance over potentially rebellious allies can be achieved through the careful application of the doctrine of *dingfa*, which translates as the 'fixing the standards'.

In contrast to the chaos that reigns during war, administrations based upon standardised, predictable and reliable rules promote peace.

Famously, the doctrine advocated the use of a quality-adjusted life measure to reward military personnel; soldiers who behead more enemies in battle then receive faster promotion and larger pay awards.

After fighting for its survival, NICE began to implement its structure for peaceful government.

In February 2001, the authority issued new guidelines for the appraisal process, which were designed to standardise the assessment of investigated products.

By constructing predictable and reliable guidance, the authority hopes to bring consensus, stability and reconciliation to its appraisal procedures.

Noble art

Fairness in the English legal systems is not built upon notions of right and wrong but on the principle of due process.

In response, NICE's blueprint for a new technology appraisal mechanism is not designed to secure a 'fair' outcome for individual patients but to institute a transparent set of procedures, which the body and its allies must follow.

Once these rules are implemented, legal challenges against its decisions will be harder to mount because due process will always be followed.

However, this is not to say that the technology guidelines it produces will be acceptable or beneficial to all.

Governments are not always right. After winning the light-heavyweight gold at the 1960 Olympics in Rome, Cassius Clay threw his hard won medal in the Ohio River because he believed that the state he represented was rotten.

Later in life, the transformed boxer used his agility and personal strength to fight against America's involvement in the Vietnam War.

Throughout his career, Ali was willing to use his power as an individual to fight for what was right, regardless of government opinion or procedures.

Once it has produced a decision, NICE relies on local populations of doctors, nurses and other health professionals to abide by its rule.

Although it has enhanced its control over all other entities under its umbrella, the special authority still has no direct power over these individuals or the organisations under which they work.

Therefore, the NICE appraisal process will only be successful if it wins the hearts and minds of those providing patient care.

As Muhammad Ali demonstrated, when it comes to official dictats, they are not always right.

Ego inflation

Inflated egos draw many individuals into unnecessary conflict. They get into trouble because they believe that, in an infinite universe controlled by the power of God, they are important and have the ability to dictate at will.

However, as the Chinese Taoist philosopher, Lao Tzu, proclaimed in 600 BC: "You govern a kingdom by normal rules, you fight a war by exceptional moves but you win the world by letting alone." In other words, be careful why you fight because, by your efforts alone, you will not change the world.

Victory in battle does not guarantee success during peace. Although his military prowess united China, Qin Shi Huang was despised as a tyrant.

He burnt books, buried scholars and banned free speech. Academics, allies and enemies all plotted against him. His eventual demise was celebrated by most in his kingdom.

In the current context, the emperor's experience suggests that, even if it secures peace, NICE may not be a popular and influential authority once its final approach to appraisals has been agreed.

However much NICE tries to influence the ways in which new technologies are assessed and used, in the long run its efforts may be fruitless.

Whether new, expensive products swamp the NHS does not depend upon the manner in which they are appraised but on the rate at which scientists and companies discover and market innovative treatments.

If we are lucky, science advances. If we are not, innovation stalls. For NICE to assume that it can rationalise and direct this process may simply be an example of an ego out of control.

Implications for pharma

Neither NICE nor pharma should assume that they are invincible. They can float like butterflies and sting like bees, but the true driver of change within the NHS is not the battle over approaches to appraisal but the rates at which innovation occurs.

Therefore, both parties should consider calling a truce, adopting a strategy of active inaction, and sitting back while nature takes its course.

Indeed, as Lao Tzu once said: "By doing nothing, we accomplish everything," which suggests that we should ignore our egos and leave new health technologies alone to diffuse themselves.

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